



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,247	07/23/2003	Puneet Bhatia	073897.0130	1003

5073 7590 01/23/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

MIZRAHI, DIANE D

ART UNIT

PAPER NUMBER

2165

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/626,247	BHATIA, PUNEET	
Examiner	Art Unit	
DIANE D. MIZRAHI	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

III. DETAILED ACTION

Claims 1-34 are presented for examination and are pending.

Drawings

The Examiner contends that the drawings submitted on July 23, 2006 are acceptable for examination proceedings. These are informal drawings.

Claim Rejections - 35 USC . 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-34 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards the final result that is "useful, tangible and concrete.

(See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

According to the New Guidelines of October 26, 2005, which states that "A claim limited to a machine or manufacture, which has a practical application, is statutory. In most cases a claim to a specific machine or manufacture will have a practical application. See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557)...

Art Unit: 2165

a specific machine to produce a useful, concrete, and tangible result and State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

(Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility
<[http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2Fpreognotice%2Fguidelines101 20051026.pdf](http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2Fpreognotice%2Fguidelines101%2020051026.pdf)>)

The Supreme Court has repeatedly held that abstractions are not patentable. "An idea of itself is not patentable". Rubber-Tip Pencil Co. V. Howard, 20 Wall. 498, 07. Phenomena of nature, though just discovered, mental processes, abstract intellectual concepts are not patentable, as they are the basic tools of scientific and technological work Gottschalk v. Benson, 175 USPQ 673, 675 (S Ct 1972). It is a common place that laws of nature, physical phenomena, and abstract ideas are not patentable subject matter Parker v. Flook, 197 USPQ 193, 201 (S Ct 1978). A process that consists solely of the manipulation of a data structure is not concrete or tangible. See In re Warmerdam, 33 F.3d 1354, 1360, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). See also Schrader, 22 F.3d at 295, 30 USPQ2d at 1459.

Therefore, Examiner believes that the above listed claims are nonstatutory.

Claim Rejections - 35 USC § 112

Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner is unclear as to what is Applicant's claimed, "fulfillment". Further clarification and a definition of "fulfillment" is required by Applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard D. Cornelius et al. (U.S. Patent No. 6,629,081 B1 and Cornelius hereinafter).

Regarding Claim 1, Cornelius teaches method for managing fulfillment data associated with a fulfillment system using a

Art Unit: 2165

fulfillment engine that is stored and executed using local data storage within a database management system, the fulfillment engine providing a first interface for communicating fulfillment data with one or more remote application-specific systems stored and executed using remote data storage external to the database management system supporting the fulfillment engine, each remote application-specific system associated with a corresponding fulfillment type, the fulfillment engine providing a second interface for communicating fulfillment data with the fulfillment system, the method comprising performing the following operations in establishing a plurality of fulfillment interfaces for a plurality of fulfillment types, each fulfillment type having a corresponding fulfillment interface (col 33, lines 60-67 to col 34, lines 1-61) generating within the local data storage a single local parent multi-definition table appropriate for the plurality of fulfillment types (Figures 55; 65; 97); for each fulfillment type, generating a name and definition for a local parent view of the single local parent multi-definition table (col 48, lines 31-67) (Figures 3 and 8); for each fulfillment type, mapping the definition for the local parent view to the single local parent multi-definition table to generate the local parent view within the local data storage, the local parent view comprising a view of the single local

Art Unit: 2165

parent multi-definition table operable to access only fulfillment data that has been stored in the single local parent multi-definition table using the local parent view (col 33, lines 60-67 to col 34, lines 1-61) (col 47, lines 35-67 to col 48, lines 1-67) (Figures 56 and 67); and for each fulfillment type, using the name and mapped definition for the local parent view to generate within the remote data storage a remote actual child view of a corresponding remote actual child multi-definition table and a remote staged child view of a corresponding remote staged child multi-definition table, each remote child view comprising a copy of the local parent view, each remote actual child view operable to access only fulfillment data that has been stored in the corresponding remote actual child multi-definition table using the remote actual child view (col 47, lines 35-67 to col 48, lines 1-67) (Figures 56 and 67).

Regarding Claims 2-3, Cornelius teaches a back office system comprising data associated with a plurality of credit card accounts and fulfillment data is stored in the fulfillment system to modify data associated with one or more of the credit card accounts (Col 77, lines 45-67) (Col 59, lines 45-67 to col 60, lines 1-3) (col 101, lines 43-47).

Regarding Claim 4, Cornelius teaches for each fulfillment type, copying all fulfillment data within the corresponding

Art Unit: 2165

remote actual child multi-definition table to the corresponding remote staged child multi-definition table at a particular time, all of this fulfillment data for a fulfillment type being copied substantially simultaneously at the particular time such that the corresponding remote staged child multi-definition table reflects the corresponding remote actual child multi-definition table as of the particular time; for each remote staged child view, reading the copied fulfillment data from the corresponding remote staged multi-definition table and writing this copied fulfillment data to the single local parent multi-definition table through the corresponding local parent view; and for each fulfillment type, in preparation for additional fulfillment data to be stored in the fulfillment system in a subsequent storing operation, deleting from the corresponding remote actual child multi-definition table all the fulfillment data that was copied to the corresponding remote staged child multi-definition table and deleting from the corresponding remote staged child multi-definition table all the fulfillment data that was copied from the corresponding remote actual child multi-definition table (col 54, lines 1-35) (Figure 81) (col 168, lines 38-67 to col 169, lines 1-67).

Regarding Claim 5, Cornelius for each fulfillment type, using the name and mapped definition for the local parent view

Art Unit: 2165

to generate a remote historical child view of a corresponding remote historical child multi-definition table; and for each remote child view, copying all fulfillment data within the corresponding remote staged child multi-definition table to the corresponding remote historical child multi-definition table for archival purposes, the fulfillment data within the remote historical child multi-definition tables being available for use in delivering historical fulfillment information (col 26, lines 1-20).

Regarding Claim 6, Cornelius teaches ... writes data ... to and reads data from the single local multi-definition table (Figure 26).

Regarding Claim 7, Cornelius teaches additional fulfillment data may be written to each remote actual child multi-definition table without interruption while the fulfillment data that was copied from the remote actual child multi-definition table is being stored in the fulfillment system, the additional fulfillment data written to the remote actual multi-definition table are this copied fulfillment data has been copied being stored in the fulfillment system in the subsequent storing operation (col 166, lines 34-44).

Regarding Claim 8, Cornelius ... data is committed within the fulfillment system only if writing of the copied fulfillment

Art Unit: 2165

data to the single local parent multi-definition table is successful as to all the local parent views in order to help prevent inconsistencies due to partial fulfillments (col 150, lines 44-67 to col 152, lines 30-65) (col 162, lines 54-67 to col 163, lines 1-2).

Regarding Claim 9, Cornelius teaches the storing of fulfillment data in the fulfillment systems occur daily (col 24, lines 8-10).

Regarding Claims 10-11, Cornelius teaches the remote child views for a fulfillment type provide a simulated fulfillment interface at a remote application- specific system simulating the fulfillment interface associated with the corresponding local parent view at the database management system ... (col 168, lines 5-35).

Regarding Claims 12-34, the limitations of these claims is similar in scope to the rejected claims above and are therefore rejected as set forth above.

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advises the Applicant that the cited U.S. patents and patent application publications are

Art Unit: 2165

available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is 571-272-4079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communications.

Art Unit: 2165

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Diane Mizrahi
Primary Patent Examiner
Technology Center 2100

January 16, 2005